

### **REMARKS**

The present Amendment is in response to the Office Action mailed June 13, 2008. No claims are cancelled, claims 1, 6, and 11 are amended, and no new claims are added. Claims 1 - 15 remain pending in view of the above amendments.

Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **Rejection Under 35 U.S.C. § 101**

The Office Action rejected claims 6-10 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11-15 were also rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In response to this rejection, claims 6 and 11 have both been amended. Claim 6 recites "an electronic authoring tool through which medical reference information is entered in a first format and transferred into the relational content database as a series

of reformattable data objects." Thus, amended Claim 6 describes a transformation of data from a first format into a second format, where it is stored in a relational content database.

Claim 11 has been amended to recite an electronic clinical reference and education system comprising a processor and a database which includes a "product deployment process" which "comprises reformatting the data objects into education materials of a specified format." Thus, claim 11 has been amended to recite hardware which transforms and reformats data into a specified format.

In view of the foregoing, Applicants believe the claims as amended are directed to statutory subject matter and respectfully request that the rejection of claims 6 and 11 and their dependent claims under 35 U.S.C. § 101 be withdrawn.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejected claims 1-15 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by U.S. Publication No. 2003/0013951 (*Stefanescu*). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Because *Stefanescu* does not teach or suggest each and every element of the rejected claims as the elements are set forth in the claims, Applicants respectfully traverse this rejection in view of the following remarks.

*Stefanescu* teaches a database organization and searching system for organizing image data sources. See Abstract. The organization of the images includes "registration, segmentation, and extraction of feature vectors, to effectively normalize data among different images." *Id.* More specifically, this process includes determining a "region of interest" or "labeling" by a "user with a single point-and-click mouse operation at a client device." See ¶[0075] ll. 1-11. Using these "labels" the database of images are filtered in order to perform a "matching" process wherein a "query image" is

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<sup>1</sup> Because *Stefanescu* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Stefanescu* is in fact prior art to the claimed invention but reserve the right to swear behind *Stefanescu* if necessary to remove it as a reference.

compared to a database of images in order to retrieve a series of “matched images.” See ¶[0075] - ¶[0078].

These matched images are sent to the “user through, for example, the user interface described with reference to Figs. 4-7.” See ¶[0078] ll. 1-3. More specifically, the matched images in a “results workspace”, shown in Figure 7, which is within the same user interface as the images were uploaded and labeled, which are shown in Figures 4-6.

*Stefanescu* is directed to retrieving images by comparing and matching labels. Normalizing data among different images based on matching labels and feature vectors, as taught by *Stefanescu*, does not teach or suggest the elements of claim 1 as set forth in claim 1.

In contrast to *Stefanescu*, claim 1 specifically recites an authoring system wherein an author transfers “medical data into a relational content database, wherein the medical data is stored as a series of reformattable data objects which are associated with data which describes each data object and its relationship to other data objects in the relational content database.” Claim 1 also recites “navigating the relational content database for medical data pertaining to the desired topic using the data associated with each data object in the relational content database which describes the data objects and their relationships; identifying data objects in the relational content database associated with medical data pertaining to the desired topic for inclusion in a medical reference book of a requested format; compiling the identified data objects into a medical reference book by reformatting the identified data objects in the content database into the requested format; and generating the electronic clinical reference material on a desired topic in the requested format.”

Thus, claim 1 specifically recites an authoring tool which automatically converts the inputted data into a series of reformattable data objects which are stored in a relational database. The relational database describes the data objects and their relationships. The data objects may then be selected for inclusion in a reference book of a specific format and reformatted according to that specific format.

This is unlike the system described in *Stefanescu*, where all the images must be individually labeled by a user in order to be successfully “matched” in the system. Matching images according to their label does not teach or suggest a series of reformattable data objects or data objects that can be selected for inclusion in a reference book or a specific format and reformatted according to that specific format.

Furthermore, the claimed invention differs from the system described in *Stefanescu* in its ability to reformat the medical data into a secondary format, since the data described in *Stefanescu* is entered, stored, and reproduced in a single format. For at least these reasons, *Stefanescu* fails to teach or suggest the method of claim 1.

Claims 6 and 11 contain similar elements as claim 1, and are patentable for at least those reasons described above. Because both Claim 6 and Claim 11 each recite a relational content database where data is stored as a series of reformattable data objects which are associated with data which describes each data object and its relationship to other data objects in the relational content database, where the reformattable data objects are reformatted into a specified format, Applicants submit that claims 6 and 11 are patentable over the cited art for at least the same reasons as claim 1. As such, Applicants respectfully request that the rejection of claims 1, 6, 11 and their dependent claims under 35 U.S.C. § 102(b) be withdrawn.

### **CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated December 12, 2008.

Respectfully submitted,

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